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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE DISTRICT OF ARIZONA

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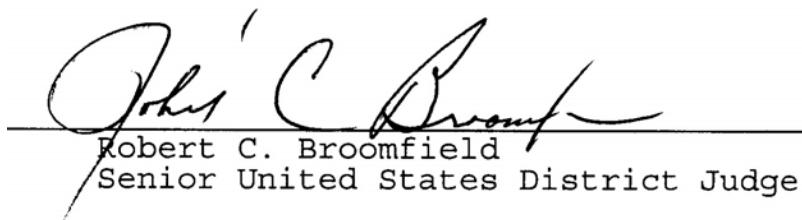
12 José Parra; Gonzalo Estrada; )  
13 Aurelia Martinez, on behalf )  
14 of themselves and all ) No. CIV 02-0591-PHX-RCB  
15 individuals similarly )  
16 situated, ) O R D E R  
17 Plaintiffs, )  
18 v. )  
19 Bashas', Inc., )  
20 Defendant. )  
21 \_\_\_\_\_

22 Prior to this court's ruling on the issue of class  
23 certification of the unequal pay claim in this case, defendant  
24 Bashas', Inc. filed for Chapter 11 bankruptcy. See Doc. 288. In  
25 accordance with 11 U.S.C. § 362, the Bankruptcy Code's automatic  
26 stay provision, Bashas' "ceased any further action in this matter."  
27 Id. at 1:22-23 (citation omitted). Effective August 28, 2010, that  
28 stay was "terminated" as part of the United States Bankruptcy  
Court's Order Confirming Plan. See Doc. 293, and attachment 1  
thereto (Doc. 293-1). After the termination of that stay,

1 plaintiffs filed the pending "Request for Ruling" on the class  
2 certification issue (Doc. 294). Plaintiffs are "request[ing] that  
3 the Court rule on the issue of the certification of the unequal pay  
4 claim . . . so that a trial may be set for adjudication of the  
5 working conditions and pay class claim, if certified." Id. at  
6 2:17-19.

7 In the meantime, on December 6, 2010, the Supreme Court  
8 granted *certiorari* in Wal-Mart Stores, Inc. v. Dukes, 603 F.3d 571  
9 (9<sup>th</sup> Cir. 2010) (*en banc*), cert. granted, --- S.Ct. ---, 2010 WL  
10 3358931, 79 U.S.L.W. 3128 (U.S. Dec. 6, 2010) (No. 10-277).  
11 Resolution of Dukes has the potential to significantly impact the  
12 class certification motion pending before this court. Therefore,  
13 rather than deciding this case in haste without the benefit of the  
14 Supreme Court's decision in Dukes, this court will defer resolution  
15 of the class certification issue pending a decision in Dukes. See  
16 Mazza v. American Honda Motor Co., Inc., No. 09-55376, (9<sup>th</sup> Cir.  
17 Dec. 7, 2010) ("Submission . . . DEFERRED" after full briefing and  
18 oral argument "pending the Supreme Court's decision in" Dukes[]).  
19 IT IS SO ORDERED plaintiffs' Request for a Ruling at this time  
20 is denied.

21 DATED this 15th day of December, 2010.

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25 Robert C. Broomfield  
Senior United States District Judge  
26  
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28 Copies to counsel of record